

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

IN RE:	:
	: Chapter 11
NORTHWESTERN CORPORATION,	:
	: Bankruptcy Case No. 03-12872
Debtor.	:
<hr/>	
MAGTEN ASSET MANAGEMENT CORP.	:
Suing individually and	:
derivatively on behalf of CLARK	:
FORK AND BLACKFOOT, LLC,	:
	:
Plaintiff,	:
	: Civil Action No. 04-1256-JJF
v.	:
	:
PAUL HASTINGS JANOFSKY & WALKER	:
LLP,	:
	:
Defendant.	:
<hr/>	
MAGTEN ASSET MANAGEMENT CORP. and	:
LAW DEBENTURE TRUST COMPANY OF	:
NEW YORK,	:
	:
Plaintiffs,	:
	: Civil Action No. 04-1494-JJF
v.	:
	:
NORTHWESTERN CORPORATION,	:
	:
Defendant.	:
<hr/>	
MAGTEN ASSET MANAGEMENT CORP.,	:
	:
Plaintiff,	:
	:
v.	: Civil Action No. 05-499-JJF
	:
MIKE J. HANSON and ERNIE J.	:
KLINDT,	:
	:
Defendants.	:

**RULE 16 SCHEDULING ORDER**

WHEREAS, the Court agrees with the parties that the

above-captioned cases should be consolidated solely for the purposes of discovery and other pre-trial proceedings. Additionally, the Court has reviewed the parties competing proposed schedules and believes that the following schedule will provide for fair and efficient management of this case.

IT IS ORDERED that:

1. **Pre-Discovery Disclosures.** The parties will exchange within ten (10) days of the date of this Order the information required by Fed. R. Civ. P. 26(a)(1) and D. Del. LR 16.2.

2. **Joinder of other Parties.** All motions to join other parties shall be filed on or before **August 3, 2007.**

3. **Discovery.**

(a) All fact discovery shall be commenced so as to be completed by **May 2, 2007.**

(b) Maximum of **25** interrogatories by each party to any other party.

(c) Maximum of **25** requests for admission by each party to any other party.

(d) Maximum of **10** depositions by plaintiff(s) and **10** by defendant(s).

(e) Reports from retained experts required by Fed. R. Civ. P. 26(a)(2) are due from the plaintiff(s) by **August 3, 2007**; from the defendant(s) by **August 18, 2007.**

(f) Any party desiring to depose an expert witness shall notice and complete said deposition no later than thirty (30) days from receipt of said expert's report, unless otherwise agreed in writing by the parties.

(g) **Discovery Disputes.** Any discovery dispute shall be submitted to the Court pursuant to Fed. R. Civ. P. 37. During the course of discovery each party is limited to two (2) Rule 37 motions.

4. **Amendment of the Pleadings.** All motions to amend the pleadings shall be filed on or before **February 2, 2007.**

5. **Case Dispositive Motions.** Any case dispositive motions, pursuant to the Federal Rules of Civil Procedure, shall be served and filed with an opening brief on or before **September 17, 2007.** Briefing shall be pursuant to D. Del. LR 7.1.2. No case dispositive motion may be filed more than ten (10) days from the above date without leave of the Court.

6. **Applications by Motion.**

(a) Any applications to the Court shall be by written motion filed with the Clerk of the Court in compliance with the Federal Rules of Civil Procedure and the Local Rules of Civil Practice for the United States District Court for the District of Delaware (Amended Effective January 1, 1995). Any non-dispositive motion shall contain the statement required by D. Del. LR 7.1.1. Parties may file stipulated and unopposed Orders with the Clerk of the Court for the Court's review and signing.

The Court will not consider applications and requests submitted by letter or in a form other than a motion.

(b) No telephone calls shall be made to Chambers.

(c) Any party with a true emergency matter requiring the assistance of the Court shall e-mail Chambers at: jjf\_civil@ded.uscourts.gov. The e-mail shall provide a short statement describing the emergency.

7. **Pretrial Conference.** A Pretrial Conference will be held on **Thursday, November 15, 2007, at 11:30 a.m.**, in Courtroom No. 4B on the 4th Floor, Boggs Federal Building, Wilmington, Delaware. The Federal Rules of Civil Procedure and Rule 16.4 of the Local Rules of Civil Practice for the United States District Court for the District of Delaware (Amended Effective January 1, 1995) shall govern the pretrial conference.

8. **Trial.** Trial will commence at **9:30 a.m. on Monday, December 3, 2007**, in Courtroom No. 4B on the 4th Floor, United States Courthouse, Boggs Federal Building, Wilmington, Delaware.

November 3, 2006  
DATE

Joseph J. Farnan Jr.  
UNITED STATES DISTRICT JUDGE